

REMARKS**I. General**

Claims 1-20 are pending, and claims 1-16, 19, and 21 are rejected by the Office Action mailed January 17, 2006. Claims 1, 17, 19, and 20 are amended, and claim 21 is canceled without prejudice by this response. The issues in the current Office Action are as follows:

- Claims 1-21 are rejected under the doctrine of obviousness-type double patenting over US 6,662,313.
- Claim 19 is rejected under 35 U.S.C. §112, second paragraph.
- Claims 1-3, 12-16, 19, and 21 are rejected under 35 U.S.C. §102(b) over US 5,867,644 (hereinafter, *Ranson*).
- Claims 4-11 are rejected under 35 U.S.C. §103(a) over *Ranson* in view of US 5,711,240 (hereinafter, *Tobin*).
- Claims 17, 18, and 20 are objected to for depending from a rejected base claim, but are otherwise indicated as allowable.

Applicant hereby traverses the rejections and requests reconsideration and withdrawal in light of the remarks contained herein.

II. Allowable Subject Matter

The Examiner has indicated that claims 17, 18 and 20 include allowable subject matter. Applicant thanks the Examiner for the help and cooperation thus far and presents claims 17 and 20 in independent form. Arguments and amendments are presented herein to show that other claims are allowable as well.

III. Claim Amendments

Claim 1 is amended to include the limitations of claim 21. Since the amendment rewrites claim 21 in independent form, the amendment does not narrow the scope of claim 21. No new matter is added.

Claim 17 is amended to be in independent form. The amendment does not narrow the scope of the claim, nor is it in response to any art. No new matter is added.

Claim 19 is amended to recite, in part, "a FIFO storage array." Since the amendment merely corrects a typographical error, it does not narrow the scope of the claim, nor is it in response to cited art. No new matter is added.

Claim 20 is amended to be in independent form. The amendment does not narrow the scope of the claim, nor is it in response to any art. No new matter is added.

IV. Double Patenting Rejection

On pages 2-5 of the Office Action, claims 1-21 are rejected under the judicially-created doctrine of obviousness-type double patenting in view of the claims of US 6,662,313. Applicant proposes filing a terminal disclaimer in compliance with 37 C.F.R. 1.321(b) if the Examiner's rejections still properly stand upon indication that the claims of the present application are otherwise allowable. Applicant notes that future amendments to the claims of this present application may result in the withdrawal of this rejection.

V. Rejections Under 35 U.S.C. §112

On pages 5-6 of the Office Action, claim 19 is rejected under 35 U.S.C. §112, second paragraph, for indefiniteness. Specifically, claim 19 is rejected for use of the term, "the FIFO storage array." Applicant has amended claim 19 recite, in part, "a FIFO storage array." Accordingly, withdrawal of the 35 U.S.C. §112 rejection of claim 19 is respectfully requested.

VI. Rejections Under 35 U.S.C. §102

On pages 6-9 of the Office Action, claims 1-3, 12-16, 19, and 21 are rejected under 35 U.S.C. §102(b) over *Ranson*. Applicant traverses the rejection.

To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for an applied reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Furthermore, in order for a reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim.” M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). As discussed further below, these requirements are not satisfied by the 35 U.S.C. § 102 rejection because *Ranson* does not teach every element of the claims.

Claim 21 has been rewritten in independent form in claim 1 by this response. Thus, amended claim 1 recites, in part, “a FIFO storage array that stores at least a portion of the sampled data.” The Office Action cites *Ranson* at figure 4 and the passage at column 13, line 38 through column 14, line 62 to teach the feature. However, these portions of *Ranson* do not teach the feature because they do not teach a FIFO storage array. For instance, figure 4 shows a “staging register” and “remote registers,” but does not teach that any of those registers are FIFOs. A register, by itself, is not enough to teach a FIFO, and figure 4 is not sufficient to teach the feature in as complete detail as contained in the claim, as required by M.P.E.P. § 2131. The passage at columns 13-14 describes, among other things, the contents of figures 6, 7, 9, and 10. However, the passage does not teach, or even mention, a FIFO storage array. Since the cited portions of *Ranson* do not teach a FIFO storage array, the rejection must fail.

Dependent claims 2, 3, 12-16, and 19 each depend either directly or indirectly from independent claim 1 and, thus, inherit all of the limitations of independent claim 1. Thus, the cited portions of *Ranson* do not teach or suggest all claim limitations of claims 2, 3, 12-16, and 19. It is respectfully submitted that dependent claims 2, 3, 12-16, and 19 are allowable at least because of their dependence from claim 1 for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1-3, 12-16, and 19.

VII. Rejections Under 35 U.S.C. §103

On pages 9-11, claims 4-11 are rejected under 35 U.S.C. §103(a) over *Ranson* in view of *Tobin*. Applicant traverses the rejection.

As shown above, the cited portions of *Ranson* do not teach every feature of amended claim 1. The rejection does not rely on *Tobin* to teach or suggest the features that are shown to be missing from the cited portions of *Ranson*. Accordingly, the proposed combination of *Ranson* and *Tobin* does not teach or suggest every feature of claim 1. Dependent claims 4-11 each depend either directly or indirectly from independent claim 1 and, thus, inherit all of the limitations of independent claim 1. Thus, the proposed combination does not teach or suggest all claim limitations of claims 4-11. It is respectfully submitted that dependent claims 4-11 are allowable at least because of their dependence from claim 1 for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 4-11.

VIII. Conclusion

In view of the above, applicant believes the pending application is in condition for allowance.

Applicant believes a one month extension of time fee of \$120.00 is due with this response. However, if additional fees are due, please charge our Deposit Account No. 08-2025, under Order No. 10002929-3 from which the undersigned is authorized to draw.

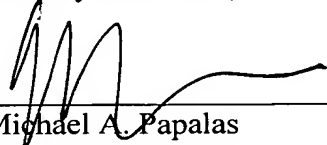
I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV568254293US in an envelope addressed to: MS Amendment, Commissioner for Patents, Alexandria, VA 22313-1450.

Date of Deposit: May 16, 2006

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Respectfully submitted,

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